

House Bill 1290

By: Representative Teilhet of the 40th

A BILL TO BE ENTITLED
AN ACT

To provide for a short title; to amend Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to classification and registration of sexual offenders and regulation of the conduct of such offenders, so as to revise provisions relating to registration of sexual offenders; to change certain definitions; to require that sexual offenders provide certain information regarding Internet accounts and allow authorized Internet providers to obtain such information from the Georgia Bureau of Investigation; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Electronic Security and Targeting of Online Predators Act (E-STOP)."

SECTION 2.

Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to classification and registration of sexual offenders and regulation of the conduct of such offenders, is amended in portions of subsection (a) of Code Section 42-1-12, relating to the State Sexual Offender Registry, as follows:

By adding a new paragraph (4.1) to read as follows:

"(4.1) 'Authorized Internet entity' means a business, organization, or other entity providing or offering a service over the Internet which permits persons under 18 years of age to access, meet, congregate, or communicate with other users for the purpose of social networking. Such term shall not include a business, organization, or other entity that provides only general e-mail services."

By adding a new paragraph (11.1) to read as follows:

"(11.1) 'Internet access provider' means a business, organization, or other entity providing or offering a computer and communications facility through which a person

may obtain access to the Internet. Such term shall not include a business, organization, or other entity that provides only telecommunications services."

By revising subparagraph (K) of paragraph (16) as follows:

~~"(K) E-mail addresses; and usernames; and user passwords~~ Internet account names with Internet access providers belonging to such sexual offender and the usernames for each such account; and"

By revising paragraph (21.1) as follows:

~~"(21.1) 'Username' means a string of characters chosen to uniquely identify an individual who uses a computer or other device with Internet capability to communicate with other individuals through the exchange of e-mail or instant messages or by participating in interactive online forums~~ or social networking."

By revising paragraph (21.2) as follows:

~~"(21.2) 'User password' means a string of characters that enables an individual who uses a computer or other device with Internet capability to gain access to e-mail messages and interactive online forums."~~

SECTION 3.

Said article is further amended by revising paragraph (2) of subsection (h) of Code Section 42-1-12, relating to the State Sexual Offender Registry, as follows:

~~"(2) The Georgia Bureau of Investigation shall:~~

(A) Transmit all information, including the conviction data and fingerprints, to the Federal Bureau of Investigation within 24 hours of entering the data;

(B) Establish operating policies and procedures concerning record ownership, quality, verification, modification, and cancellation; ~~and~~

(C) Perform mail out and verification duties as follows:

(i) Send each month Criminal Justice Information System network messages to sheriffs listing sexual offenders due for verification;

(ii) Create a photo image file from original entries and provide such entries to sheriffs to assist in sexual offender identification and verification;

(iii) Mail a nonforwardable verification form to the last reported address of the sexual offender within ten days prior to the sexual offender's birthday;

(iv) If the sexual offender changes residence to another state, notify the law enforcement agency with which the sexual offender shall register in the new state; and

(v) Maintain records required under this Code section; ~~and~~

(D)(i) Upon the request of an authorized Internet entity, on a form prescribed by the Georgia Bureau of Investigation, release information requested by such authorized Internet entity, including, but not limited to, the full names of registered sexual

offenders, any aliases, any other identifying characteristics, each sexual offender's date of birth, the home address on file, the offense for which the offender was required to register, the date, city, and state of conviction, and any usernames. A photocopy of a current photograph shall also be provided. The authorized Internet entity shall provide information as prescribed by the Georgia Bureau of Investigation, including, but not limited to, the name, address, telephone number, legal nature, and corporate status of the authorized Internet entity;

(ii) The Georgia Bureau of Investigation may charge a reasonable fee to cover the cost of copying and distributing sexual offender registry information as provided for in this subparagraph;

(iii) The Georgia Bureau of Investigation shall not be liable in an action to recover damages or seek relief for errors or omissions related to the distribution of the sexual offender registry information to an authorized Internet entity pursuant to this subparagraph; provided, however, that if the error or omission was done intentionally, with malice, or in bad faith, the Georgia Bureau of Investigation shall not be immune from liability; and

(iv) The authorized Internet entity may use the sex offender registry information obtained from the Georgia Bureau of Investigation to prescreen or remove sexual offenders from its services or to advise law enforcement or other governmental entities of potential violations of law or threats to public safety. An authorized Internet entity shall not publish or in any way disclose or re-disclose any sexual offender registry information provided to such authorized Internet entity by the Georgia Bureau of Investigation pursuant to this subparagraph."

SECTION 4.

All laws and parts of laws in conflict with this act are repealed.